IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 29180 of 2007(W)

PETITIONER:

VIRENDER SINGH, S/O.BALBIR SINGH,
HOUSE NO.1394, 2ND FLOOR, SECTOR-13,
NEAR HUDA OFFICE, HISSAR- 125001, HARYANA.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.BIJIMON C.CHERIAN
SRI.ARUL KUMAR.P
SRI.LOWEL CHERIAN

RESPONDENTS:

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1. THE VICE CHANCELLOR,
M.G.UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM.

2. DIRECTOR,
SCHOOL OF DISTRANCE EDUCATION,
M.G.UNIVERSITY, PRIYADARSHINI HILLS,
KOTTAYAM.

3. M.G.UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS, KOTTAYAM.

BY SC FOR UNIVERSITY SRI.T.A. SHAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 29180 OF 2007

Dated this the 29th day of October, 2007

J U D G M E N T

This writ petition has been filed praying for a direction to the respondents to issue the degree certificate of the M.Sc (Maths) examination for which the petitioner had appeared and passed and also the migration certificate and TC. Consequential reliefs are also sought for in this writ petition.

2. After completing the Graduation from the Kurukshetra University, petitioner had enrolled in the 3rd respondent University's Distance Education Programme for M.Sc (Maths) during 2003-05. Initially an objection was raised about the nature of the Degree that the petitioner had obtained and thereupon, he produced Ext.P3 certificate from the Kurukshetra University. In the certificate the details of the course undergone by him has been given and it certifies his eligibility to be admitted for M.Sc (Maths). Though he completed the course successfully, his certificates were not issued.

3. When he took up the matter with the University, Ext.P7 letter was issued informing him that he had only a Bachelor degree in Arts and with Mathematics as one part of his graduation and that the BA degree he had from Kurukshetra University is not equivalent to Bsc Mathematics/Statistics of M.G. University. It was also submitted that the

University evaluated the examination papers of the petitioner and published the results due to oversight. It is challenging Ext.P7 and seeking consequential reliefs that this writ petition has been filed.

4. The contention of the petitioner is that he was eligible to be admitted for M.Sc (Maths) and that his eligibility stands certified by Ext.P3 supported by Ext.P2 series of mark lists and also the degree certificate that was produced by him. He further contends that after permitting him to undergo the course and after having successfully completed the same, it is not open to the University to contend at this point of time that he was ineligible for admitting or undergoing the course.

5. I find force in the submission made by the petitioner. The petitioner had applied for admission in the Distance Education Programme and as the University was satisfied about his eligibility, he was granted admission. Though the University sought clarifications on his eligibility that was also furnished by the petitioner and the certificate produced by him in this behalf is Ext.P3.

6. Even now the University has no case that the petitioner had suppressed any information or mislead the university. Therefore, it is entirely on the University's satisfaction of the petitioner's eligibility that he was admitted for the course. On that basis he has undergone the entire course and successfully completed the same. The question is whether at this stage it is open to the University to contend otherwise. This position

appears to be settled against the University by Exts.P9 and P12 judgments of this Court wherein this court has taken the view that “Once a candidate was permitted to appear, there appears to be no justification for the action of the University in withholding result.” In my view, the position as held by this court following the Apex Court's decision in **Shri Krishna v. Kurukshetra University** (AIR 1976 SC 376) covers the issue in petitioner's favour and he is entitled to the reliefs sought for.

Accordingly, I dispose of this writ petition quashing Ext.P7 and directing that the respondents shall issue the degree certificates of the petitioner for M.Sc (Maths) examinations undergone by him and also the migration certificate and TC pertaining to the petitioner, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps